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TITLE 7—AGRICULTURE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Form NCR-201, Licking County, Ohio]

1938 AGRICULTURAL CONSERVATION PROGRAM, LICKING COUNTY, OHIO

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1938, payments will be made in Licking County, Ohio, for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation. The rates of payments specified herein are subject to an increase or

decrease of not more than 10 percent, depending upon the extent of participation in the Licking County Program and the final estimate of payments which would be made in Licking County under the 1938 Agricultural Conservation Program.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are not applicable to (1) counties other than Licking County, Ohio, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, or other lands in which the beneficial ownership is in the United States.

Section I. Definitions

For the purpose of the 1938 Agricultural Conservation Program in Licking County, Ohio.

Secretary means the Secretary of Agriculture of the United States.

Director of the North Central Division means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the North Central Region.

North Central Region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

State Committee means the group of persons designated in Ohio to assist in the administration of the 1938 Agricultural Conservation Program in Ohio.

County Committee means the group of persons elected in Licking County to assist in the administration of the 1938 Agricultural Conservation Program in that county.

County means the political or civil division of a State designated as a county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Landlord means a person who owns land and rents such land to another person or operates such land.

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Tenant means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitute a unit with respect to the rotation of crops; *Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area,

as the case may be, in which the major portion of the farm is located.

Cropland means farm land which was tilled in 1937 or is tilled in 1938 or in regular rotation, excluding commercial orchards and any land growing a sod producing crop in 1938 which if tilled will constitute a wind erosion hazard to that farm or to the community, but including any other land which has been planted since January 1, 1930 to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to noncommercial orchards other than abandoned orchards.

Commercial Orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

Open Non-cropland Pasture means any farm land not cropland on which the predominant growth is forage characteristic of grazing lands, provided this land is essentially free of brush, briars, stumps, and trees. Any acreage of non-cropland pasture occupied to such an extent by stumps, trees, or other objects as to materially interfere with the application of liming or fertilizing materials or with the taking of measurements shall not qualify as open non-cropland pasture. The term "open non-cropland pasture" shall include any non-cropland used for the production of wild hay.

Winter Cover Crop means (a) any biennial or perennial legume or grass or stubble of any of these crops, or (b) any small grain which will live through or into the winter, provided there is good and sufficient cover to protect the soil from wind and water erosion and leaching.

Productivity Factor is that rating given each crop, land use, or unit of land treatment denoting the relative degree to which that crop, land use, or unit of land treatment degrades or restores the soil. Restorative crops, land uses, or land treatments are denoted by positive factors, degrading by negative factors.

Productivity Balance Value is that rating given each farm on the basis of the combined productivity factors for each crop, land use, or unit of land treatment on cropland, combined with the erosion factor on that cropland, denoting the degree to which the cropland on that farm is being degraded, maintained, or improved. A farm with a negative productivity balance value is assumed to be in a relative state of cropland deterioration, while a farm with a positive productivity balance value is assumed to be in a relative state of cropland improvement, and the size of the balance value denotes the relative rate of deterioration or improvement.

Erosion Factor is that rating given each field and each farm on the basis of

the average slope shown by the cropland on that farm, for the purpose of indicating the degree to which the cropland on such farm is subject to erosion.

Section II. Classification of Land use or Treatment with Associated Productivity Factors

The acreage of cropland upon a farm shall be classified according to its use or treatment in 1938 and shall receive the appropriate productivity factor as follows:

1. CROPLAND NOT PLANTED

Cropland idle and bare during season.....	-2.0
Cropland idle but not bare nor fallowed during season.....	-0.5
Cropland fallowed during season.....	-2.0
Cropland not fall plowed but bare of sod or of winter cover crop as of October 31.....	-0.5

2. CROPLAND PLANTED TO FIELD CROPS FOR HARVESTING WITHIN THE CROP YEAR

Field corn for silage or grain harvested or hogged off.....	-2.0
Winter-grains (wheat, rye) harvested as grain, hay, or pasture, including hogged off.....	-1.0
Spring or summer seeded small grains (oats, barley, flax, buckwheat) harvested as grain, hay, or pasture.....	-0.9
Soybeans or cowpeas harvested as seed or hay.....	-0.5
Sudan grass harvested as hay or pasture.....	-1.5
Millet harvested as hay or pasture.....	-1.5
Sorghums for harvesting.....	-2.0
Rape for pasture.....	-1.0

3. CROPLAND ON WHICH IS GROWING A GOOD STAND OF HAY OR PASTURE PLANTS

For a land use to be classified as producing one of the crops listed in this subsection 3, at least 75 percent of the stand must be of that particular crop.

Alfalfa, stand in year of seeding.....	+1.5
Alfalfa, 2nd year stand.....	+1.0
Alfalfa, 3rd year stand.....	+0.5
Alfalfa, 4th year and more stand.....	0.0
Sweet clover (biennial) year of seeding.....	+1.5
Sweet clover, 2nd year of growth, pastured or cut for hay.....	+1.0
Sweet clover, 2nd year of growth, not pastured or cut for hay.....	+1.5
Clovers (red, mammoth, alsike) year of seeding.....	+1.0
Clovers (red, alsike, mammoth) 2nd year of growth, pastured or cut for hay.....	+1.0
Clovers (red, alsike, mammoth) 2nd year of growth, not pastured or cut for hay.....	+1.5
Alfalfa-grass mixtures, year of seeding.....	+1.5
Alfalfa-grass mixtures, 2nd year of growth.....	+0.5
Alfalfa-grass mixtures, 3rd year of growth.....	+0.5
Alfalfa-grass mixture, 4th year of growth.....	0.0
Clover-grass mixture, year of seeding.....	+0.5
Clover-grass mixture, 2nd year of growth.....	+0.5
Timothy, orchard grass, or mixtures regardless of year of seeding.....	0.0
Bluegrass and other permanent pasture grasses.....	0.0
Sudan grass for hay or pasture.....	-1.5
Millet for hay or pasture.....	-1.5
Any of these crops grown from unadapted seed planted between November 1, 1937, and October 31, 1938, shall receive a productivity factor of.....	0.0

4. CROPLAND INTO WHICH IS INCORPORATED A GREEN MANURE OR A RESIDUE CROP

Sweet clover, 2nd year of growth, not pastured, plowed under green prior to June 1.....	+1.0
Sweet clover, 2nd year of growth, not pastured nor cut for hay or seed, plowed under after June 1.....	+2.0
Alfalfa, 2nd or more years of growth, not pastured and plowed under green prior to June 1.....	+1.0
Alfalfa, 2nd or later years of growth, not pastured nor cut for hay or seed, plowed under green after June 1.....	+2.0
Clovers (red, alsike, mammoth), 2nd year of growth, not pastured and plowed under green prior to June 1.....	+0.75
Clovers (red, alsike, mammoth), 2nd year of growth, not pastured nor cut for hay or seed, plowed under after June 1.....	+1.75
Soybeans, cowpeas, or vetch, entire plant plowed under in bloom stage.....	+1.5
Rye, wheat, or buckwheat not pastured, plowed under green with at least sixty days of growth.....	+0.5
Sweet Corn, entire stalk and leaves plowed under green after removal of ears (This factor in addition to that indicated under subsection 5, this Section II).....	+0.5
Field corn, drilled solid and entire plant plowed under green in tassal stage.....	+1.5

5. CROPLAND PLANTED TO VEGETABLES AND SPECIAL CROPS FOR HARVESTING WITHIN THE CROP YEAR

Popcorn for harvesting.....	-1.5
Sweet corn harvested for market or canning.....	-1.5
Sweet corn for other uses.....	-2.0
Tomatoes for harvesting.....	-2.0
Irish potatoes for harvesting.....	-3.0
Sweet potatoes for harvesting.....	-2.0
Onions for harvesting.....	-2.0
Melons for harvesting.....	-2.0
Pumpkins for harvesting.....	-2.0
Cucumbers for harvesting.....	-2.0
Cabbage for harvesting.....	-1.5
Canning peas for harvesting.....	-0.5
Field peas for harvesting.....	-0.5
Field beans for harvesting.....	-0.5

6. CROPLAND OCCUPIED BY FRUIT OR FOREST TREE PLANTINGS

Non-commercial Orchards (entire acreages) (Orchards interplanted, in addition to this factor shall receive the factor assigned to the interplanted crop for the acreage of such interplanted crop).....	-2.5
Cane and Bush Fruits.....	-2.0
Rhubarb.....	-1.0
Asparagus.....	-1.0
Forest Trees and Windbreaks.....	0.0

7. COMMERCIAL FERTILIZER APPLIED TO CROPLAND

a. For each 100 lbs. of single strength commercial ¹ fertilizer.....	+0.07
b. For each 100 lbs. of 1½ strength commercial fertilizer.....	+0.11
c. For each 100 lbs. of double strength commercial fertilizer.....	+0.15
d. For each 100 lbs. of other commercial fertilizer credit in accordance with its proportional strength based on the officially registered, guaranteed analysis.	

No credit will be given for the application of any fertilizer not guaranteed by the manufacturer and registered with the Ohio State Department of Agriculture in conformity with the Ohio State

Fertilizer Control Law. For application upon cropland of fertilizing materials which are furnished to the farmer by any State or Federal agency credit will be given subject to the provisions of subsection 3, Section VI.

8. LIMESTONE APPLIED TO CROPLAND

a. For each 1,000 lbs. of "agricultural ground limestone" possessing a neutralizing power of 80 to 103.....	+0.25
b. For each 1,000 lbs. of "agricultural meal" possessing a neutralizing power of 80 to 103.....	+0.20
c. For each 1,000 lbs. of "pulverized limestone" possessing a neutralizing power of 80 to 103.....	+0.30
d. For each 1,000 lbs. of "hydrated lime" possessing a neutralizing power of 120 to 154.....	+0.40
e. For each 1,000 lbs. of "hydrated lime" possessing a neutralizing power of 165 to 175.....	+0.50
f. For each 1,000 lbs. of other types of liming materials of certified neutralizing power, credit in proportion to that for 1,000 lbs. of "agricultural ground limestone."	

Credit will not be given for the application upon cropland of liming materials unless officially registered and guaranteed in conformity with the provisions of the Ohio Fertilizer Control Law, or unless the neutralizing power has been determined and certified by the Ohio State Soil Testing Laboratory. For application upon cropland of liming materials which are furnished to the farmer by any State or Federal agency credit will be given subject to the provisions of subsection 3, Section VI.

Section III. Establishment of Productivity Balance Value for the Farm

There shall be established for each farm in 1933 a productivity balance value. In determining this value the following procedure shall be used:

1. Determine the erosion factor for each cropland field on the farm as follows: (1) obtain the average slope for the cropland in that field, (2) divide this average slope by ten, (3) round to the nearest one tenth, and (4) express as a minus quantity. The result is the erosion factor for that field. (Example: (1) Slope=5.7%; (2) $5.7 \div 10 = .57$; (3) $.57$ rounded=.6; (4) -.6=the erosion factor)

2. List the various crops, cropland uses, and treatments of cropland showing their acreages or units and the appropriate productivity factors listed in Section II, and the appropriate erosion factor obtained in subsection 1, this Section III.

3. Multiply the various acreages or units by the appropriate productivity factor for such crop, use, or treatment.

4. Multiply those acreages devoted to crops, uses, or treatments having negative productivity factors by the appropriate erosion factor for such acreage.

5. Determine the algebraic sum of the positive and negative factors obtained in 3 and 4.

6. Divide the factor obtained in 5 by the number of crop acres in the farm. The result obtained by this procedure is

the productivity balance value for the cropland on the farm.

Section IV. Cropland Conserving Payments

1. *Maintenance payment.*—For each farm in Licking County a cropland maintenance payment scale will be established. A maintenance payment will be made on each farm for which the 1933 productivity balance value is in excess of the lower extreme of this scale. The upper extreme of the payment scale on all farms shall be +0.20. The lower extreme of the payment scale shall be -0.20 plus 50 percent of the weighted average erosion factor for all the cropland on that farm. The maintenance payment shall be equal to 1.25 cents per crop acre for each point (0.01) which the productivity balance value for that farm is above the lower extreme of the payment scale for that farm up to a limit of the number of such points between the lower and upper extremes of the payment scale for that farm.

2. *Building payment.*—A cropland building payment will be made on each farm at the rate of 1.50 cents per crop acre per point (0.01) by which the 1933 productivity balance value exceeds the 1937 productivity balance value up to a limit of 40 such points.

To be eligible for cropland conserving payments a farm must be in an active state of cultivation in 1933.

Section V. Pasture Land Conserving Payments

A pasture conserving allowance shall be established for each farm. This allowance shall be the maximum amount which may be earned in 1933 by the carrying out on a farm of any of the pasture conserving practices listed below. The pasture conserving allowance for a farm shall be 25 cents for each acre of open non-cropland pasture. Those farms for which this method of calculation results in a pasture conserving allowance of less than \$3.00 shall have an allowance of \$3.00 established for them. The practices and the conditions under which these practices must be performed in order to earn payment are:

1. *Fertilizing materials.*—The application on open non-cropland pasture in 1933 of commercial fertilizing materials which are officially registered and guaranteed in conformity with the provisions of the Ohio State Fertilizer Control Law shall earn payments as follows:

a. For each 100 lbs. single strength commercial fertilizer (\$0.75).

(A single strength fertilizer is one for which the summation of the units of plant nutrients equals 20. For example, 2-12-6, 2-16-2, 0-14-6, 0-20-0, etc.)

b. For each 100 lbs. of 1½ strength commercial fertilizer (\$1.10).

c. For each 100 lbs. of double strength commercial fertilizer (\$1.50).

¹NOTE.—20 units of plant nutrients constitute a single strength fertilizer. Example: 2-12-6, 2-16-2, 0-14-6, 0-20-0.

d. For each 100 lbs. of other strength commercial fertilizer, payment in proportion to its strength in relation to single strength.

2. *Liming materials.*—The application on open non-cropland pasture between November 1, 1937 and October 31, 1938 of liming materials which are officially registered and guaranteed in conformity with the provisions of the Ohio State Fertilizer Control Law, or such other liming materials for which the neutralizing power has been determined and certified by the State soil testing laboratory shall earn payments as follows:

a. For each ton of "agricultural ground limestone" possessing a neutralizing power of 90 to 108 (\$1.25).

b. For each ton of "agricultural meal" possessing a neutralizing power of 90 to 108 (\$0.90).

c. For each ton of "pulverized limestone" possessing a neutralizing power of 90 to 108 (\$1.50).

d. For each ton of "hydrated lime" possessing a neutralizing power of 120 to 150 (\$2.25).

e. For each ton of "hydrated lime" possessing a neutralizing power of 155 to 175 (\$2.50).

f. For each ton of other liming materials of certified neutralizing power, payment in proportion to that for one ton of "agricultural ground limestone."

To be eligible for pasture land conserving payments, practices listed herein must be carried out by such methods as conform to good farm practice. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with conditions specified. Pasture land conserving payments for any practice herein set forth will be subject to the qualifications indicated in subsection 3, Section VI.

Section VI. Soil-Conserving Payments for Tree Planting

Each farm in Licking County shall be eligible for payment in 1938 for the planting between November 1, 1937, and October 31, 1938, of forest trees or windbreaks on farm land at the rate of \$10.00 per acre, up to an acreage limit equivalent to 5 percent of the total farm acreage, provided these plantings are made with acceptable species, classes of stock, rates of planting, and are properly protected. Payments for tree planting shall be subject to the following qualifications:

1. That in the case of forest tree plantings there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture and that such trees have been properly protected. such trees have been properly protected.

2. That in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre, or if due to uncontrollable natural causes a stand of 300 living trees is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good trees culture practice and that such trees have been properly protected.

3. Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency, other than the Agricultural Adjustment Administration, shall not be counted as a practice eligible for payment under this section. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency, and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted as a practice eligible for payment under this section; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted as a practice eligible for payment under this section. If trees are purchased from a Clark-McNary Co-operative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Section VII. Division of Payments

The share of any person in any payments computed with respect to any farm in Licking County, subject to the provisions of sections IX, X, and XI shall be determined in accordance with the methods specified in this Section VII.

1. *Cropland conserving payments.*—The payment computed for any farm with respect to cropland conserving payments shall be divided among the landlords and tenants in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crops are harvested, to share in the proceeds (other than a fixed commodity payment) of the crops grown on the farm in 1938.

2. *Conserving payments for pasture land and for tree planting.*—The amount of payment earned under section V and section VI shall be paid to the landlord or tenant who carried out the practices to earn these payments. If the county committee determines that more than one such person contributed to the carrying out of one or more of such practices on the farm in 1938, such payment shall be divided in the proportion that the quantity of practices contributed by each such person bears to the total quantity of practices carried out on the farm in 1938. Each person contributing to the practices carried out on a particular acreage shall be deemed to have contributed equally to such practices, unless

such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event credit for such practices shall be divided in the proportion which the county committee determines each such person contributed thereto.

Section VIII. Increase in Small Payments

The total payment, computed under sections IV to VII, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;

2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.09	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.09	.80	\$33.00 to \$33.99	10.60
\$3.00 to \$3.09	1.20	\$34.00 to \$34.99	10.80
\$4.00 to \$4.09	1.60	\$35.00 to \$35.99	11.00
\$5.00 to \$5.09	2.00	\$36.00 to \$36.99	11.20
\$6.00 to \$6.09	2.40	\$37.00 to \$37.99	11.40
\$7.00 to \$7.09	2.80	\$38.00 to \$38.99	11.60
\$8.00 to \$8.09	3.20	\$39.00 to \$39.99	11.80
\$9.00 to \$9.09	3.60	\$40.00 to \$40.99	12.00
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	12.10
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	12.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	12.30
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	12.40
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	12.50
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	12.60
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	12.70
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	12.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	12.90
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	13.00
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	13.10
\$21.00 to \$21.99	8.40	\$52.00 to \$52.99	13.20
\$22.00 to \$22.99	8.80	\$53.00 to \$53.99	13.30
\$23.00 to \$23.99	9.20	\$54.00 to \$54.99	13.40
\$24.00 to \$24.99	9.60	\$55.00 to \$55.99	13.50
\$25.00 to \$25.99	10.00	\$56.00 to \$56.99	13.60
\$26.00 to \$26.99	10.40	\$57.00 to \$57.99	13.70
\$27.00 to \$27.99	10.80	\$58.00 to \$58.99	13.80
\$28.00 to \$28.99	11.20	\$59.00 to \$59.99	13.90
\$29.00 to \$29.99	11.60	\$60.00 to \$60.99	14.00
\$30.00 to \$30.99	12.00	\$180.00 to \$189.99	(9)
\$31.00 to \$31.99	12.40	\$200 and over	(9)

¹ Increase to \$200.

² No increase.

Section IX. Deductions Incurred on Other Farms

1. Other farms in Licking County.

If a person who has made application for payment with respect to any farm in Licking County has an interest as landlord or tenant in any other farm in Licking County which fails to qualify for a cropland conserving payment as calculated under section IV, the payment which otherwise would be made to such person shall be decreased by an amount equal to such person's share of the deduction with respect to such other farm. Such deduction shall be computed by multiplying the number of points by which the productivity balance value for such other farm is below the foot of the maintenance payment scale therefor, by the number of crop acres on such other farm times the regular maintenance payment rate.

Any deduction computed for a farm in accordance with the above provision shall be divided among the landlords and tenants in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crops are harvested, to share in the proceeds (other than a fixed commodity payment) of the crops grown on the farm in 1938.

2. Other farms in the State.—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

Section X. Deductions for Association Expenses

There shall be deducted pro rata from the payments with respect to any farm in Licking County all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Licking County Agricultural Conservation Association.

Section XI. General Provisions Relating to Payments

1. Payment restricted to effectuation of purposes of the program.—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2), if by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the director of the North Central Division finds is contrary to sound conservation practices.

2. Payment computed and made without regard to claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection 4 of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

3. Changes in leasing and cropping agreements, reductions in number of tenants, and other devices.—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants and such change would cause a

greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certified that the change is not justified and disapproves such change.

If on any farm the number of share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

4. Assignments.—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certified that the payment is being assigned without discount for such purpose. Nothing contained in this Section XI, shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Sec-

retary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

5. Cotton acreage in excess of allotment.—Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

Section XII. Application for Payment

1. Persons eligible to file applications.—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section VII, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

2. Time and manner of filing application and information required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the director of the North Central Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

3. Application for other farms.—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in Licking County and makes application for payment with respect to one of such farms, such person must make

application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XIII. Appeals

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (1) eligibility to file an application for payment; (2) the determination of the productivity balance value for cropland; (3) the division of payment; (4) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Section XIV. Bulletins, Instructions and Forms

The Agricultural Adjustment Administration shall prepare and issue such bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program for Lickington County, Ohio.

Done at Washington, D. C., this 9th day of June 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1640; Filed, June 9, 1938;
12:51 p. m.]

[NCR-251 Jones County, S. Dak.]

RANGE CONSERVATION PROGRAM BULLETIN,
1938

JONES COUNTY, SOUTH DAKOTA

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This bulletin sets forth provisions for establishing an individual range building goal to be attained as quickly as possible and at least by the end of three years, and yearly cumulative goals which should be attained by the end of each respective year and which accumulate to equal the three-year range building goal. Subject to the provisions of this bulletin and within the yearly range-building allowance, payment will be made for the attainment of these separate yearly goals. Goals in all cases include the retention of 20 percent of the annual growth of palatable forage at the end of the grazing season, the showing of performance of a designated quantity of practices listed in this bulletin, and may include at the discretion of the committee the performance of additional non-listed range-building practices considered essential to the conservation of the range land in the ranching unit. All payments are contingent upon the attaining of the yearly cumulative goal; there is no provision for partial performance. For those ranches for which the number of units of listed practices in the cumulative goal for the year in question is no larger than the number of units of such practices in the cumulative goal for the previous year, a payment of 75 percent of the annual range-building allowance will be made, provided the requirements of the goal for that year are met.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments will be made for participation in the 1938 Jones County, South Dakota, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriations as the Congress may hereafter provide. The rates of pay-

ments specified herein are subject to an increase or decrease of not more than 10 percent, depending upon the extent of participation in the Jones County program and the final estimate of payments which would be made in Jones County under the 1938 Range Conservation Program.

The provisions of the 1938 Jones County, South Dakota, Range Conservation Program contained in the bulletin are not applicable (1) to counties other than Jones County, South Dakota, and (2) to public domain of the United States, and other lands in which the beneficial ownership is in the United States.

The provisions of this bulletin are to be renewed each year through 1940 except in case the Agricultural Adjustment Administration finds that (1) the national range program has been modified in such manner as to adopt the essential provisions of the Jones County, South Dakota, Program or is otherwise modified in such manner as to indicate a continuation of the Jones County Program is unnecessary or undesirable, or (2) the resulting performance under this program has proven it is not administratively feasible, and that it is not contributing to the improvement of the national range program, or for other reasons indicates its continuation is undesirable, or (3) modifications of the Soil Conservation and Domestic Allotment Act, as amended, or the Agricultural Adjustment Act of 1938 are such as to prohibit its continuation, or are such as to indicate its continuation is not administratively advisable.

Section I. Range-Building Allowance

The range-building allowance shall be \$1.40 times the grazing capacity (expressed as animal units) of the range land in the ranching unit, provided, that this item shall not be calculated on more than one animal unit for each ten acres of range land in the ranching unit.

Section II. Payment for Full Performance

A. For those ranches for which the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the year in question is in excess of the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount which shall be equal to the yearly range-building allowance.

B. For those ranches for which the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the year in question is not in excess of the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount equal to 75 percent of the yearly range-building allowance.

Section III. Conditions of Payment

A. No payment will be made with respect to any ranching unit for which the yearly range building goal does not include the following practices and unless full performance is shown for those practices on that ranching unit.

1. Natural reseeding by limited grazing to assure that 20 percent of the palatable forage growth is retained at the end of the grazing season on all range land in that ranching unit, as indicated by comparison with adjacent non-grazed check-plot areas specified for the ranching unit, supplemented if specified in the range building goal by deferred or rotational grazing, provided if deferred or rotational grazing is specified for the ranching unit the conditions of grazing shall be as follows:

(a) Upon ranching units on which cattle or horses are grazed, the area to be kept free of grazing shall be fenced and the fences maintained sufficiently to prevent the entry of livestock;

(b) on ranching units used exclusively for grazing sheep, either the area to be kept free of grazing shall be fenced and the fence maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed area shall be prevented by herding;

(c) the remaining range land in such ranching unit shall not be pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth or water shed;

(d) such practices shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of the forage growth to seed maturity.

Provided further, If because of fire, insect or rodent damage, or other uncontrollable causes, the palatable forage growth in the check-plot areas is not representative of the palatable forage growth upon the range land in the ranching unit at large, no payment will be made with respect to that ranching unit unless it can be established by the operator that the number of animal units grazed upon the ranching unit during the grazing season did not exceed the number of animal units in the grazing capacity for that ranching unit.

B. No payment will be made with respect to any ranching unit unless the performance for those practices which are included as a part of the range building goal and the respective yearly cumulative goals for that ranching unit, but not listed in subsection C, Section XII, is shown in the year specified and in a manner satisfactory to the State and county committee.

C. Practices listed in subsection C, Section XII, which are a part of the range building goal and which are carried out with labor or materials furnished by any State or Federal agency shall not be eligible in the year of performance for meeting the range building goal if the portion of the labor or

materials furnished by any State or Federal agency represents one-half or more of the total cost of carrying out such practices. If the portion of the labor or materials, used in carrying out such practices furnished by any State or Federal agency represents less than one-half of the total cost of carrying out such practices, one-half of the amount of such practices shall be eligible in the year of performance for use in attaining the range building goal for the ranching unit.

D. No payment will be made with respect to any ranching unit in excess of the range-building allowance for such ranching unit. No range-building practice shall be eligible for use in attaining the range building goal unless carried out according to specifications recommended by the State committee and approved by the Director of the North Central Division. All such practices must be in a proper state of maintenance at the time of checking performance.

E. Payments made for attaining the range building goal for a ranching unit shall not be subject to the provisions of Section V of the Agricultural Conservation Program bulletin, as amended.

Section IV. Changes in Leasing Arrangements and Other Devices

A. No payment will be made to any person who has for 1933 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1933. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1933 Jones County, South Dakota, Range Conservation Program has made any changes from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1933 Jones County, South Dakota, Range Conservation Program.

B. If on any ranching unit in 1933 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1933 Jones County, South Dakota, Range Conservation Program than would have been made to the landlord for performance on the ranching unit under the 1937

Range Conservation Program, payment to the landlord under the 1933 Jones County, South Dakota, Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1933, if the county committee certifies that the change is not justified and disapproves such change.

C. If on any ranching unit the number of tenants in 1933 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

Section V. Eligibility for Payment

A. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentage of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

B. Any person who knowingly plants cotton on his farm in 1933 on acreage in excess of the cotton acreage allotment established for the farm for 1933 shall not be eligible for any payment under the provisions of the 1933 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1933 on acreage in excess of the cotton acreage allotment for the farm for 1933 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1933.

C. Payments will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to

any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the North Central Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

Section VI. Payment Restricted to Effectuation of the Purposes of the Program

All or any part of any payments which otherwise would be made to any person under the 1938 Jones County, South Dakota, Range Conservation Program may be withheld (1) if he has adopted any practice or been a party to the establishment of any goals which the Secretary determines tends to defeat any of the purposes of this program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Director of the North Central Division finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration, that with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938.

Section VII. Payments Computed and Made Without Regard to Claims

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section X), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Section VIII. Increase in Small Payments

The total payment computed for any person for any year with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	.80	\$33.00 to \$33.99	10.60
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	10.80
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.00
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	11.20
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	11.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	11.60
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	11.80
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	12.00
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	12.10
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	12.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	12.30
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	12.40
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	12.50
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	12.60
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	12.70
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	12.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	12.90
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	13.00
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	13.10
\$21.00 to \$21.99	8.20	\$52.00 to \$52.99	13.20
\$22.00 to \$22.99	8.40	\$53.00 to \$53.99	13.30
\$23.00 to \$23.99	8.60	\$54.00 to \$54.99	13.40
\$24.00 to \$24.99	8.80	\$55.00 to \$55.99	13.50
\$25.00 to \$25.99	9.00	\$56.00 to \$56.99	13.60
\$26.00 to \$26.99	9.20	\$57.00 to \$57.99	13.70
\$27.00 to \$27.99	9.40	\$58.00 to \$58.99	13.80
\$28.00 to \$28.99	9.60	\$59.00 to \$59.99	13.90
\$29.00 to \$29.99	9.80	\$60.00 to \$185.99	14.00
\$30.00 to \$30.99	10.00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10.20	\$200 and over	(2)

¹ Increase to \$200.

² No increase.

Section IX. Deductions for Association Expenses

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Section X. Assignments

Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section X shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Section XI. Establishment of Grazing Capacities

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Director of the North Central Division as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Section XII. Establishment of Range-Building Goals

A. Range-building goal.—There shall be established for each ranching unit a range-building goal which shall consist of that list of practices, requirements, and methods of range management most suited to the promotion of an economic and conservation use of the range, and the assurance that the range will not be stocked in excess of the sustainable grazing capacity of the range land in the ranching unit. This goal shall be one which is attainable at least by the end of 1940, but shall not be one which is attainable within the limits of the range-building allowance, prior to 1940 unless it can be shown that the performance of additional range-building practices or of additional units of the same range-building practice will contribute nothing further to the effectuation of the purposes of this program. This goal shall include only those practices the performance of which is to occur during the period November 1, 1937, to October 31, 1940. This goal shall be developed at the beginning of the 1938 grazing season by the State and county committees and the ranch operator.

B. Yearly cumulative goal.—Within the range-building goal, and subject to approval by the State committee, yearly cumulative goals shall be established for each ranching unit which shall be used as a basis for determining performance in each respective year. These yearly range-building goals shall accumulate in the least number of years possible to the range-building goal for the ranching unit. The yearly cumulative goals shall be such as to require performance in keeping with the size of the range-building allowance. The county committee shall not establish for any ranching unit a yearly cumulative goal consisting of practices selected from subsection C, Section XII, in excess of the quantity of

practices selected therefrom in the yearly cumulative goal for the preceding year, unless the performance required to attain such goal is reasonably commensurate with the additional payment which will be made for that performance. The yearly cumulative goal for any year shall be deemed to have been accomplished, if at the time of checking performance for that year, the practices outlined in the goal are found to have been carried out and maintained on the ranching unit in accordance with the specifications set forth for such practices. For this purpose it is to be assumed that performance of the practice "natural reseeding by limited grazing" and its attendant requirements as indicated in Section III, A, 1, is worth 40 percent of the yearly range-building allowance. In establishing the yearly cumulative range-building goal, the practices listed in subsection C below, with the assigned rates shall be used as a guide. No rates shall apply to other requirements or practices; but these shall be considered necessary contributions of the ranch operator upon which all payments are contingent.

In the event of a change in the identity of the ranching unit after the establishment of the range-building goal, or the yearly cumulative goals, the appropriate modifications shall be made in these goals for the ranching unit.

C. Range-building practices

1. Reseeding of range land.—

a. Reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs, \$0.20 per pound specified but not in excess of \$2.00 per acre.

2. Erosion and run-off control.—

b. (1) *Contour listing, furrowing, or subsoiling.*—For listing, furrowing, or subsoiling range land on the contour, \$0.50 per acre.

(2) *Contour ridging.*—For ridging range land on the contour, \$0.10 per 100 linear feet.

c. *Spreader dams and terraces.*—For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land,

(1) Spreader dams, \$0.15 per cubic yard of material.

(2) Spreader terraces, \$0.40 per 100 linear feet.

3. *Development of stock water on range land.*—

d. *Excavations, dams, or fills.*—For constructing dams, fills, or excavations for the purpose of supplying water for range livestock. This practice shall not be eligible for use in attaining the range-building goal unless performed according to specifications outlined by the State Committee and approved by the Director of the North Central Division, \$0.15 per cubic yard of fill or excavation.

e. *Wells.*—(1) For drilling or digging wells with casing not less than 4 inches

in diameter, for the purpose of providing water for range livestock. This practice shall not be eligible for use in attaining the range building goal unless a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or if the well is developed at ranching unit headquarters. The development of an artesian well which provides adequate stock water during the grazing season and from which the water is conveyed to a tank or trough will be considered equivalent to a well for which a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, \$2.00 per linear foot.

(2) For drilling or digging wells with casing less than 4 inches but not less than 2 inches in diameter, for the purpose of providing water for range livestock. This practice shall not be eligible for use in attaining the range building goal unless a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or if the well is developed at ranching unit headquarters. The development of an artesian well which provides adequate stock water during the grazing season and from which the water is conveyed to a tank or trough will be considered equivalent to a well for which a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, \$1.00 per linear foot.

Section XIII. Determination of County in Which a Ranching Unit is Located

A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Section XIV. Appeals

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State com-

mittee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

Section XV. Definitions

For the purpose of the 1933 Jones County, South Dakota, Range Conservation Program,

Secretary means the Secretary of Agriculture of the United States.

North Central Region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

North Central Division means the Division of the Agricultural Adjustment Administration in charge of the 1933 Agricultural and Range Conservation Programs in the North Central Region.

Director of the North Central Division means the director of the division of the Agricultural Adjustment Administration in charge of the 1933 Agricultural and Range Conservation Program in the North Central Region.

State Committee means the group of persons designated for any State to assist in the administration of the 1933 Agricultural Conservation and the 1933 Range Conservation Program in such State.

County Agricultural Conservation Association or County Association means the association of the county organized to assist in the administration of the 1933 Agricultural and Range Conservation Programs in such county.

County Committee means the group of persons elected for any county to assist in the administration of the 1933 Agricultural Conservation Program and the 1933 Range Conservation Program in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

Range Building Goal means that goal established for the ranching unit under the provisions of subsection A, Section XIII.

Cumulative Goal or Yearly Cumulative Goal is that goal established for the ranching unit for each year, 1933, 1939, and 1940, under the provisions of subsection B, Section XIII.

Range-building payment means a payment for the attainment of the yearly cumulative goal approved for the ranching unit.

Range-Building Allowance means the largest amount for any ranching unit which may be earned in any one year as a range-building payment on such ranching unit.

Ranch Operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operator of, a ranching unit in 1938.

Range Land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, and other lands in which the beneficial ownership is in the United States.

Ranching unit means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. The ranching unit shall consist of not less than 640 acres of range land.

Animal unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing capacity of range land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of June, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1641; Filed, June 9, 1938;
12:51 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 20 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JUNE 1, 1938.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California.—Los Angeles, June 1, 1941.
South Dakota.—Lincoln, June 1, 1941;
Yankton, June 1, 1941.

Puerto Rico.—Corozal, June 1, 1941;
Naranjito, June 1, 1941; Orocovis, June 1, 1941; Villalba, June 1, 1941.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary

retests for reaccreditation, are hereby continued in the Status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama.—Franklin, June 1, 1941;
Limestone, June 1, 1941; Macon, June 1, 1941.

Arizona.—Gila, June 1, 1941; Mohave, June 1, 1941; Pinal, June 1, 1941; Yavapai, June 1, 1941.

Arkansas.—Columbia, June 1, 1941;
Hempstead, June 1, 1941; Lafayette, June 1, 1941; Monroe, June 1, 1941.

Georgia.—Bacon, June 1, 1941; Ben Hill, June 1, 1941; Berrien, June 1, 1941; Candler, June 1, 1941; Echols, June 1, 1941; Jeff Davis, June 1, 1941; Lamar, June 1, 1941; Long, June 1, 1941; Murray, June 1, 1941; Wayne, June 1, 1941.

Idaho.—Payette, June 1, 1941.

Illinois.—Johnson, June 1, 1944; Peoria, June 1, 1941.

Indiana.—Rush, June 1, 1941; Shelby, June 1, 1941.

Iowa.—Cerro Gordo, June 1, 1941; Franklin, June 1, 1941; Hardin, June 1, 1941; Marshall, June 1, 1941.

Kansas.—Ellis, June 1, 1941; Gove, June 1, 1941; Johnson, June 1, 1941; Nemaha, June 1, 1941; Ness, June 1, 1941; Rush, June 1, 1941; Russell, June 1, 1941.

Kentucky.—Barren, June 1, 1941; Jefferson, June 1, 1941; Perry, June 1, 1941; Union, June 1, 1941.

Louisiana.—Beauregard, June 1, 1941; Bienville, June 1, 1941; Claiborne, June 1, 1941; East Carroll, June 1, 1941; East Feliciana, June 1, 1941; Iberia, June 1, 1941; Jackson, June 1, 1941; Morehouse, June 1, 1941; Natchitoches, June 1, 1941; Red River, June 1, 1941; St. Mary, June 1, 1941; Sabine, June 1, 1941; Union, June 1, 1941; Vernon, June 1, 1941; West Baton Rouge, June 1, 1941; West Carroll, June 1, 1941; Winn, June 1, 1941.

Massachusetts.—Essex, June 1, 1941; Hampden, June 1, 1941; Hampshire, June 1, 1941; Suffolk, June 1, 1941.

Michigan.—Isabella, June 1, 1941; Midland, June 1, 1941.

Mississippi.—Bolivar, June 1, 1941; Humphreys, June 1, 1941; Issaquena, June 1, 1941; Sharkey, June 1, 1941; Sunflower, June 1, 1941; Washington, June 1, 1941.

Missouri.—Christian, June 1, 1941; Douglas, June 1, 1941; Hickory, June 1, 1941; Howell, June 1, 1941; Ozark, June 1, 1941; Taney, June 1, 1941; Texas, June 1, 1941.

Montana.—Fallon, June 1, 1941.

New York.—Steuben, June 1, 1941; Tompkins, June 1, 1941.

North Carolina.—Buncombe, June 1, 1941; Caldwell, June 1, 1941; Macon, June 1, 1941.

North Dakota.—Bottineau, June 1, 1944; Burke, June 1, 1944; Eddy, June 1, 1944; Mountrail, June 1, 1944; Rolette, June 1, 1944.

Ohio.—Henry, June 1, 1941; Shelby, June 1, 1941; Wyandot, June 1, 1941.

Rhode Island.—Washington, June 1, 1941.

South Carolina.—Dorchester, June 1, 1941.

Tennessee.—Campbell, June 1, 1941; Dickson, June 1, 1941; Hickman, June 1, 1941; Pickett, June 1, 1941.

Texas.—Blanco, June 1, 1941; Brooks, June 1, 1941; Burnet, June 1, 1941; Camp, June 1, 1941; Dickens, June 1, 1941; Hansford, June 1, 1941; Hidalgo, June 1, 1941; Hill, June 1, 1941; Hutchinson, June 1, 1941; Kerr, June 1, 1941; Morris, June 1, 1941; Motley, June 1, 1941.

Vermont.—Lamoille, June 1, 1941.

Virginia.—Buckingham, June 1, 1941; Giles, June 1, 1941; Grayson, June 1, 1941; Henry, June 1, 1941; Patrick, June 1, 1941; Smyth, June 1, 1941; Wythe, June 1, 1941.

West Virginia.—Brooke, June 1, 1941; Ohio, June 1, 1941.

Wyoming.—Carbon, June 1, 1941; Sheridan, June 1, 1941; Teton, June 1, 1941.

Declaration No. 12, dated October 1, 1936, as amended,¹ is hereby further amended accordingly.

[SEAL]

J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 38-1639; Filed, June 9, 1938;
12:50 p. m.]

TITLE 20—FISH AND GAME

BUREAU OF FISHERIES

[No. 251-24-2]

AMENDMENT OF ALASKA FISHERY REGULATIONS

JUNE 7, 1938.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-fourth edition, issued under date of February 15, 1938,² together with subsequent regulations, are hereby amended by the following regulations:

KODIAK AREA

Herring fishery.—Regulation No. 3 prohibiting commercial fishing for herring from 6 o'clock antemeridian of Saturday of each week until 6 o'clock postmeridian of the Sunday following is rescinded.

PRINCE WILLIAM SOUND AREA

Herring fishery.—Regulation No. 2³ prohibiting commercial fishing for herring from 6 o'clock antemeridian of Sat-

¹ 1 F. R. 2024.

² 3 F. R. 451, 512 (DI).

³ 3 F. R. 1019 (DI).

urday of each week until 6 o'clock post-meridian of the Sunday following is rescinded.

SOUTHEASTERN ALASKA AREA

Sumner Strait District

Salmon fishery.—Regulation No. 2 (2) of supplement No. 251-24-1 issued on April 27, 1933, is amended to read as follows: Within 1,500 feet of a point on an unnamed island at the entrance to Port Protection, at 56 degrees 20 minutes 41 seconds north latitude, 133 degrees 38 minutes 4 seconds west longitude.

Clarence Strait District

Salmon fishery.—Regulation No. 15 (m) (3) is amended to read as follows: The Bronaugh Islands south of 55 degrees 7 minutes 10 seconds north latitude and west of 131 degrees 43 minutes 30 seconds west longitude.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 38-1633; Filed, June 9, 1933;
10:20 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

REGULATIONS GOVERNING BENEFICIARIES OF HEALTH FACILITIES AND DUTIES OF HEALTH PERSONNEL¹

1. **Purpose.**—The purpose of these regulations is to promote the efficiency of the health activities of the Indian Service. They shall be enforced with tact and judgment to the end that cooperation and unity of effort may be obtained throughout the Service.

2. **Application in Alaska.**—Due to varying conditions, these regulations shall apply to medical activities for the natives of Alaska only so far as practicable.

3. **Previous regulations.**—All regulations, orders, and circulars hitherto in operation which are inconsistent or in conflict with these rules and regulations are abrogated.

4. **Appointments, promotions, retirement, etc.**—Appointments, promotions, retirement, allowances or deductions for quarters, fuel, light and subsistence, and compensation shall be made in accordance with Rules and Regulations of the Civil Service Commission, the Secretary of the Interior, and the Commissioner of Indian Affairs as they apply to these several subjects.

5. **Educational leave for physicians.**—Physicians, in addition to annual leave, may be granted educational leave not to exceed 30 days per calendar year, or 60 days in every alternate year, under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred. (45 Stat. 493; 25 U. S. C. 275.)

¹ Issued under authority of Title 5 U. S. C. 495, Title 25 U. S. C. 2, 9, 13 and 31, and other citations noted.

6. **Private practice.**—Physicians, other than those employed under contract and under special arrangement that limits their compensation to less than full-time salary, shall devote their whole time and attention to the duties of their positions and shall not be permitted to engage in outside practice except in cases of emergency involving life or limb and when no private physician is available.

7. **Emergency service.**—When emergency or other medical service is rendered to any non-beneficiary, the physician will make full report to the superintendent, who will render a bill to the recipient or other responsible person for the services rendered at rates not in excess of those charged locally and take the necessary steps to make collection. Any funds thus obtained will be taken up as Sundry Receipts and deposited for credit to the appropriate Proceeds of Labor hospital or agency account.

8. **Indian beneficiaries.**—All persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction; all persons who are descendants of such members and who reside within the present boundaries of any Indian reservation and all other persons of one half or more Indian blood are entitled to the services of the physician and to such drugs or medicines as he may dispense. Indians receiving medical, hospital, or dental service shall be expected to pay such fees, based upon the cost of service, as may hereafter be specified by the Commissioner of Indian Affairs. Free services need not be given to Indians who are economically able to pay such fees and refuse to do so. All fees received shall be covered into the Treasury of the United States as required by the Act of May 9, 1933 (Pub. No. 497—75th Cong.).

9. **Employees.**—The services of Indian Service physicians shall be available to all regular employees of the Indian Service as a privilege and an act of courtesy and in no sense as a contract or obligation on the part of the Government or its agents, except when such services interfere with the physicians' duties to the Indians. No additional expense to the Government shall be incurred in connection with such services. Fees for services to employees shall be charged and handled as indicated in Section 7 hereof.

10. **Applicants for pension or retirement.**—Physicians on full-time duty will examine applicants for pension or retirement when requested to do so by the Indian Office or other appropriate office.

11. **Intermarried white men not entitled to services.**—Physicians are not required to give medical treatment to intermarried white men but are required to attend the Indian wives and mixed-blood children of such white men on the same basis as other Indians.

12. **Care of persons not entitled to services.**—Persons not otherwise entitled to medical attendance may be admitted

to Indian Service hospitals or sanatoria in cases of emergency when no other facilities are available, and when so admitted shall pay a fee equal to the per diem cost of operation, but not to exceed \$5 per day, and shall pay for any special services, appliances, drugs or supplies which may be required. This service should not extend beyond the period when the patient can be safely removed elsewhere for treatment. Fees collected shall be deposited for credit to the appropriate Proceeds of Labor hospital account.

12a. **Surgical fees.**—Fees for surgery not in excess of those approved for services to Indians in private hospitals should be collected and deposited in the same manner.

13. **Beneficiaries of other Federal agencies.**—Beneficiaries of other governmental agencies may be hospitalized for whom reimbursement will be obtained at per diem rates determined from time to time by the Federal Board for Hospitalization. No additional charges for special services are allowable.

14. **Compensation cases.**—Employees injured in line of duty and coming within the scope of the Employees' Compensation Act of September 7, 1916 (39 Stat. 742), as amended, shall be given medical and hospital care without cost.

15. **Duties of physicians.**—While responsible to the superintendent and under his control, the physician will be held responsible for acquainting himself with health conditions on the reservation, making proper reports thereon, treating diseases, and taking such preventive measures as may be authorized under applicable laws and ordinances.

16. The physician will not only treat Indians in his office or dispensary but will also visit them in their homes and will do all in his power to give needed treatment and care to the sick. He will be governed by the highest code of professional conduct; give prompt attention to all calls for his services; impress upon his patients and their attendants the importance of the careful and regular administration of medicines and food. He will also endeavor to improve sanitary and hygienic conditions generally and instruct the Indians how to do so. He will endeavor to hospitalize all serious cases of illness, provided facilities are available.

17. **Epidemic diseases.**—Physicians shall promptly report to the superintendent cases of epidemic diseases for transmission to the State health authorities, the District Medical Director and the Washington Office.

18. **Vital Statistics.**—Physicians shall promptly report known births and deaths not otherwise reported and render appropriate certificates for the State health authorities and the Indian Office.

19. **Senior physician.**—The senior physician is defined as the physician who receives the highest salary or, if all physicians are in the same pay status, the one senior in length of service unless

otherwise designated by the Commissioner of Indian Affairs.

20. *Senior physician in charge.*—The senior physician is charged with the responsibility of administering the health service of the jurisdiction to which attached, including the formulation of the health program and the coordination of the health activities.

21. *Physician in charge of hospital.*—Ordinarily, the senior physician will have charge of the hospital or sanatorium and its employees and will formulate rules for hospital or sanatorium routine, subject to approval of the District Medical Director and Director of Health. He will prepare annual estimates for supplies, requisitions for supplies and equipment, and requests for repairs and improvements, submitting them to the superintendent for appropriate action. All recommendations for repairs and improvements to hospitals or sanatoria involving structural changes must be submitted through the superintendent to the Commissioner of Indian Affairs.

22. *Efficiency reports.*—The senior physician shall prepare efficiency reports on the other physicians of the jurisdiction, if any, and on field and supervisory hospital nurses, and review efficiency reports on other personnel engaged in health work for submission through the superintendent to the Washington Office.

23. *Oral orders.*—Oral orders by a physician concerning care of hospital patients shall be confirmed in writing at the first opportunity.

24. *Immunizations and inoculations.*—The senior physician is charged with proper immunization of Indians and employees of the jurisdiction against smallpox, typhoid fever, diphtheria, and other diseases prevented by such means.

25. *Records.*—Records of patients treated shall be kept upon the prescribed forms, and reports required shall be rendered promptly upon the proper forms.

26. *Quarantine.*—When examination by the physician reveals that an Indian is afflicted with trachoma, tuberculosis, or other contagious or infectious disease, and such Indian refuses to submit to remedial treatment, the physician shall prepare a transcript of the record of the case including any statement of objection by the Indian together with his recommendations and submit same to the Secretary of the Interior through the Commissioner of Indian Affairs. In all such cases where the Secretary approves the findings of the physician, and in all cases where Indians afflicted with any of such diseases do not object to remedial treatment, the physician through the superintendent is authorized to take necessary measures including that of calling upon the police force of the agency or the tribe to enforce quarantine and treatment of such diseases. When the use of such force proves ineffective, the said physician after first obtaining authority from the Washing-

ton Office therefor may call in the police force of the State for such purpose. (25 U. S. C. 198; 38 Stat. 584.)

27. *Cooperation in health matters.*—It shall be the duty of physicians and other employees engaged in health activities to cooperate with and advise the governing bodies of organized tribes in matters of sanitation and the prevention of disease or its spread, and to cooperate with State, county, and local health organizations or officers in preventing the spread of communicable diseases and in all matters that will promote the health and general welfare of the Indians.

28. *Sanitation of camps.*—The physician shall have charge of and be held responsible for the sanitary features of all camps maintained within the jurisdiction.

29. *Sanitary inspections.*—The physician shall make systematic inspections twice a month, or oftener if necessary, of sanitary conditions of the agency, hospital and school buildings, grounds, and property, and other conditions affecting the health of the Indians and employees, and report his findings, with recommendations, to the superintendent, sending copies to the District Medical Director and the Director of Health.

30. *Records.*—Records of patients treated shall be kept upon required forms. Reports of medical activities and vital statistics shall be rendered promptly upon prescribed forms.

31. *Vaccination of employees.*—All persons employed in the Indian Field Service should be vaccinated against smallpox upon entrance except such as can show evidence of immunity.

32. *Vaccination during epidemics.*—When an epidemic of smallpox is threatened by reason of the presence of the disease in the neighborhood, all employees and their families, both adults and children, should be vaccinated unless evidence of immunity can be shown.

33. *Record of vaccinations and other immunizations.*—A complete record of the dates, names, ages, home addresses, and reactions shall be kept in the permanent records of every Indian Service physician of persons vaccinated or inoculated, such record to include name of manufacturer of product used, lot number, and expiration date.

34. *Arsenicals and heavy metals.*—A similar record shall be kept of administrations of arsenicals and other heavy metals as required for vaccinations and immunizations covered by Section 33 hereof.

35. *Quarantinable diseases.*—Smallpox, chickenpox, measles, German measles, mumps, scarlet fever, diphtheria, cerebro-spinal meningitis, infantile paralysis, whooping cough, and acute epidemic conjunctivitis (pink eye), shall be segregated or quarantined under treatment until all danger of communicability is passed. The directions of the physician in regard to the time of releasing patients from detention or quarantine, the

methods of disinfection, and the precautions to be observed shall be strictly enforced. Scabies and impetigo, though not quarantinable, should be segregated until cured.

36. *Polluted water supplies.*—The superintendent and physician shall see that all sources of water supply are inspected at regular intervals, samples analyzed, and that all possible measures are taken for their protection against pollution. All cases of contaminated water supply, dangerous to health, must be reported to the District Medical Director at once. Indians should be warned of the danger from polluted water, which should be placarded.

37. *Narcotics.*—One physician preferably the senior physician, shall be solely responsible for the stock supply of narcotics at each jurisdiction, except where necessary to maintain a stock at more than one place within the jurisdiction, when the superintendent shall designate in writing other physician or physicians responsible therefor. The narcotic stock shall be properly safeguarded under lock and key, and the responsible physician shall have sole possession of the key. A narcotic stock record of receipts and issues shall be kept accurately for each form or class of narcotics separately on form 5-364a. A dispensary or ward narcotic record shall be kept accurately by each physician and at each hospital on form 5-364b to account for all narcotics withdrawn from stock for proper use.

38. *Alcohol.*—All medicinal and rubbing alcohol shall be properly safeguarded under lock and key and accurate record kept of receipts and issues by the physician in charge. Alcohol used for other purposes shall be properly accounted for by the superintendent.

39. *Accidents.*—All unusual accidents occurring within the jurisdiction, and especially in the hospital, must be immediately reported in detail to the Office, a copy of the report to be furnished to the District Medical Director.

40. *Admission and discharge of patients.*—Except in his absence, all admissions to and discharges from Indian Service hospitals shall be made upon the order of the physician in charge of the hospital. If possible, adult patients leaving the hospital against the advice of the physician in charge should be required to sign a certificate releasing the Service from all responsibility.

41. *Signed agreement to prevent removal of patients.*—Parents, guardians, or, in the absence of such, proper responsible parties shall consent in writing before a minor or incompetent person is admitted to the hospital agreeing not to remove such minor or incompetent person from the hospital against the advice of the physician.

42. *Consent for operations.*—Signed consent for surgical operations shall be obtained from the patient if an adult, or from the parents or guardians of minors, before operation is undertaken.

The nature of condition or operation must be made known to patient, or other signer, and stated on prescribed form for consent. In emergency, oral consent may be taken from adults provided one or more witnesses sign the prescribed form, also setting forth circumstances. In emergency, when patient is unconscious, or parents or guardians of minors cannot be reached, the physician or physicians shall consult with the superintendent or officer in charge and certify necessity of action before proceeding with operation.

43. *Examination of pupils.*—All Indian pupils in boarding, day, mission, or public schools must be examined at the beginning of the school year and the results recorded on forms provided for this purpose. In addition, they must be examined as often as is necessary properly to safeguard their health.

44. *Physical examination for pupils to be transferred.*—Pupils designated for transfer to non-reservation schools shall be examined by a physician, who shall enter his findings on card No. 5-354, and also on such other form as may be prescribed, one copy of this card to go with the pupil and one to remain in the local files. Card shall also show immunizations given and past record of sickness. No pupil suffering from tuberculosis in an infectious stage shall be transferred to any Indian boarding school.

45. *Exclusions from schools.*—No pupils suffering from active pulmonary tuberculosis in any of its stages shall be admitted to any Indian school. Those who develop pulmonary tuberculosis and those who develop the suppurative stage of glandular tuberculosis while attending school shall be sent to a sanatorium, a general hospital with provisions for treating tuberculosis, or to their homes. Other exclusions shall be enforced at the discretion of the Indian Service physician.

46. *Weight of pupils.*—All pupils shall be weighed on admission to the school, and monthly thereafter. The weights shall be recorded on a form for that purpose. Physicians shall examine the weight records of the pupils after each regular weighing and give necessary attention to all who lose weight.

47. *Communicable diseases: Control of.*—All cases of illness among employees and pupils suspected of being of a communicable character shall be isolated until they are proved non-communicable.

48. When communicable disease is present, the physician shall make a medical examination of all Indian Service employees and the members of their families who live on the school grounds, or who associate with the pupils, to determine whether such employees and their families are free from dangerous communicable diseases.

49. No pupil in whose family exists a case of dangerous communicable disease shall be permitted to attend school until the patient or patients shall have recovered, proper disinfection been

made, and the fact established that the attendance of the pupil will not endanger the health of others attending the school.

50. *Report of epidemics.*—The presence of epidemic diseases in a school shall be reported immediately to the Commissioner of Indian Affairs and the State and County Health Officers by the superintendent and adequate measures taken by the physician for the control of such diseases. Superintendents shall submit a complete report at the close of every epidemic affecting the Indians of their jurisdiction, giving the number of cases and the number of deaths.

51. *Trachoma: Segregation of acute cases.*—The seating in schoolrooms shall be so arranged as to put trachomatous pupils as far as possible from non-trachomatous, and they shall be subjected to treatment; and such pupils shall not be released from this arrangement except by permission of the attending physician.

51a. A card shall be made and kept in the permanent files for each trachomatous pupil.

52. *Vaccination of pupils.*—School physicians shall vaccinate all pupils in school once every year unless such pupils show evidence of a recent successful vaccination or can furnish satisfactory proof of having had smallpox.

53. *Nurses' uniforms.*—Nurses are required to wear the prescribed uniform pertaining to the line of duty to which they are assigned when on official business in their territory or at their place of work.

54. *Organization.*—All nursing activities are under the administrative control of the senior physician of the agency but are under the professional guidance of the Director of Nursing, who is responsible for developing the quality of nursing care rendered in the Service.

55. *Efficiency reports.*—Nurses in a reservation unit charged with supervising duties shall submit to the Washington Office, through the medical officer in charge, reports on the efficiency of the nurses working under their supervision. They may be required by the medical officer to prepare efficiency reports on other personnel engaged in hospital activities.

56. *Records.*—Nurses shall keep such station records of nursing activities as are required by the Washington Office and shall submit required reports of their work through the physician and superintendent.

57. *Duties (hospital).*—Hospital nurses are required to carry out the written orders of the physicians in charge of the case. Oral orders will be carried out; but the physician is responsible for confirming them, and the nurse is not responsible for errors made in accepting them. All such orders given by the physician over the telephone, or when impossible to write on the order sheet, must be recorded by the nurse as an oral order by the physician. Orders will

be checked or initialed by the nurse who begins the treatment. The proper administration of the hospital is the responsibility of the physician, but the chief or head nurse charged with the executive and supervising duties shall be responsible for the hospital house-keeping and the nursing care. All complaints and instructions shall be carried through her by the medical officer in charge to and from the subordinate personnel.

57a. *Accidents and complaints.*—All accidents and complaints (serious) from patients and their families shall be reported in writing by the charge nurse, through the medical officer, to the superintendent.

58. *Duties (field nurses).*—Field nurses are under the administrative guidance of the senior physician. Their program of work is part of the whole program of health service for the community and as such must be formulated or approved by the senior physician. The purpose of the field nurse service is the promotion of health and the prevention of disease. The standard techniques and procedures of public health nursing will obtain, and the development of these nursing techniques is the professional responsibility of the Director of Nursing.

59. Field nurses shall not be assigned to hospital duty nor hospital nurses assigned to field duty without prior authority from the Indian Office.

60. *Special physicians.*—The Medical Director in Charge of Trachoma Activities shall give consultant service and general direction to the work of the special physicians performing eye, ear, nose and throat work. The District Medical Director will have immediate supervision and assist in directing the itineraries of special physicians engaged in eye work.

61. Special Physicians engaged in tuberculous work will be under the direction of the Director of Health.

62. *Special physician report.*—Each special physician shall submit a report on the completion of work at a jurisdiction and also an annual report for work done during the fiscal year.

63. *Designations.*—All dentists employed by the Indian Service on a full-time basis will be known as field dentists. All dentists employed by the Indian Service on a part-time or fee basis will be known as resident dentists.

64. *Jurisdiction.*—Field dentists will be assigned to prescribed districts for the purpose of furnishing oral health service and clinical treatment to Indians. They will be assigned and work under the general direction of the Dental Supervisor and the local District Medical Director. Resident dentists will be assigned to a designated station and will furnish oral health service and clinical treatment to Indians of that jurisdiction. They will work under the immediate supervision of the senior physician of the jurisdiction and under the

general direction of the Dental Supervisor and the District Medical Director.

66. *Duties.*—Dentists of the Indian Service are required to instruct teachers, nurses, advisers and other school or hospital personnel in all matters relating to oral health in order that Indian children may be educated along these lines. Dentists are required to inspect facilities and equipment for the care of the mouth and teeth and report on these conditions to the superintendent, the District Medical Director and the Indian Office, on Form No. 5-243.

67. *Clinical treatment.*—All recognized Indians are entitled to such dental treatment as may be prescribed by the Indian Office. In general, this shall consist of extractions, restoration of decayed teeth with non-precious materials, prophylaxes, and the treatment of all oral pathological conditions. (See Section 8 hereof).

67a. *Employees.*—Employees of the Indian Field Service at isolated stations where local practicing dentists are not accessible are entitled to a limited amount of dental treatment, such as extractions, alloy and cement dental restorations, and treatment for diseased conditions.

67b. Prior to visiting a jurisdiction, field dentists will notify the superintendent in order that Indians not in the immediate vicinity of the clinic will have an opportunity to visit field dentists for necessary treatment. Prior to rendering treatment for children at a particular school, field dentists will make a complete dental examination of all pupils, recording the findings of the oral examination on form 5-243b. This examination should show not only carious teeth but also indicate missing, devitalized or abscessed teeth, and any pathological condition that may be present. This shall constitute a permanent record at the school or station at which the services are performed.

67c. *Itineraries.*—Itineraries shall be arranged by the District Medical Director; and unless otherwise directed by him, the field dentists will remain at a station until all routine treatment is completed.

68. *Records and reports.*—All dentists of the Indian Service will keep records and submit reports on form 5-243.

69. *Efficiency reports on traveling personnel.*—The District Medical Director will render efficiency reports on special physicians, field dentists, and district supervisory nurses at stated intervals.

70. *Monthly reports.*—The following records are to be submitted monthly:

- (1) Monthly In-Patient and Discharge Patient Report of Hospital.
- (2) Monthly Report of Domiciliary Patients and Out-Patients.
- (3) Birth Certificates.
- (4) Death Certificates.

71. *Donations.*—All donations or contributions of funds or property for health or other purposes shall be reported in detail to the Indian Office for acceptance

by the Secretary of the Interior. (45 Stat. 1106; 25 U. S. C. 451).

72. *Admissions to hospitals.*—The admission of patients into Indian hospitals and sanatoria is governed by Order No. 492, approved by the Department, March 10, 1938.

73. *Enforcement of State health laws.*—State health authorities are authorized to enter upon Indian tribal lands, reservations or allotments within the respective States for the purpose of making inspection of health conditions looking to the enforcement, except as hereinafter provided, of sanitation and quarantine regulations of the particular State in like manner as such regulations are enforced in the surrounding territory. In connection with and prior to such proposed enforcement, the physician in charge of each reservation shall schedule the State sanitation and quarantine regulations which ought to be enforced upon the reservation, together with a statement of any limitations and conditions which should govern the application of such State regulations. Tribal authorities and individual Indians shall be afforded ample opportunity to submit protests or recommendations with respect to specific State regulations thus proposed for extension to the reservation. It shall be the duty of the superintendent to transmit to the Secretary of the Interior through the Commissioner of Indian Affairs, the schedule of State regulations thus posted, together with any protests or criticisms made by Indians with respect thereto. Such State regulations as are approved by the Secretary of the Interior shall thereafter be in force upon the reservation subject to such conditions as the Secretary may prescribe. No State law shall be applied within the jurisdiction of any organized tribe which is in conflict with any ordinance or resolution of the tribe. (45 Stat. 1185; 25 U. S. C. 231.)

74. *Indian Service Physicians as Deputy State Health Officers.*—Physicians in the Indian Service shall act as Deputy State Health Officers of the reservations to which assigned without additional compensation when so appointed by the State Board of Health, subject to approval by the Secretary of the Interior. (Ex. Order No. 7369, May 13, 1936).

75. *Relation to State board of health.*—Physicians, when appointed pursuant to Section 74 hereof, shall bear, so far as compatible with State laws, the same relation to the State Board of Health as do county and local health officers.

76. *Application with relation to constitutions, by-laws, and charters of organized tribes.*—These regulations shall apply to tribes organized pursuant to the Reorganization Act of June 18, 1934, as amended June 15, 1935, and May 1, 1936, and the Oklahoma Welfare Act of June 26, 1936, except where inconsistent with the provisions of the constitutions, by-laws, or charters granted to such tribes pursuant thereto, or any ordinances or

resolutions adopted by such tribes pursuant to the authority of such constitutions, by-laws, or charters. The provisions of the constitutions, by-laws, charters, ordinances, and resolutions adopted by such tribes pursuant thereto dealing with matters of health and sanitation among the Indians shall govern where they conflict with the provisions of the regulations.

77. *Contracts for medical, nursing, and hospital service.*—The Secretary of the Interior may enter into contracts for medical, nursing, or hospital services with any State or territory or political subdivision thereof, or any State university, college, or school, or with any appropriate State or private corporation, agency, or institution. (49 Stat. 1459; 25 U. S. C. 452-5, Sup. III.)

JOHN HERRICK,
Acting Commissioner.

Approved, May 27, 1938.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 38-1631; Filed, June 8, 1938;
3:40 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

INVENTORY OF MATERIALS AND SUPPLIES

ORDER WAIVING THE PROVISIONS OF VALUATION ORDERS NOS. 4 AND 22 FOR THE YEAR 1938

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22nd day of April, A. D. 1938.

It is ordered, That the requirements of Valuation Orders Nos. 4 and 22, relating to inventory of materials and supplies, made and entered by the commission under dates of June 25, 1914, and July 26, 1918, respectively, be, and they are hereby, waived in so far as applicable to the year 1938.

By the commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-1635; Filed, June 9, 1938;
12:39 p. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49602]

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

JUNE 6, 1938.

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S.

C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U. S. C., title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their respective names:

Name	Location	Date of redesignation
Sandusky Municipal Airport.	Sandusky, Ohio.	June 1, 1933
Great Falls Municipal Airport.	Great Falls, Mont.	June 2, 1933
Havre Municipal Airport.	Havre, Mont.	June 2, 1933
Plattsburg Municipal Airport.	Plattsburg, N. Y.	June 2, 1933
Spokane Municipal Airport (Felts Field).	Spokane, Wash.	June 2, 1933
Watertown Municipal Airport.	Watertown, N. Y.	June 2, 1933

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.
[F. R. Doc. 38-1634; Filed, June 9, 1933;
10:36 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5513]

APPLICATION OF THE TWIN STATE GAS & ELECTRIC COMPANY

ORDER SETTING DATE OF HEARING

JUNE 7, 1933.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon application filed April 27, 1933, pursuant to Section 203 (a) of the Federal Power Act, by The Twin State Gas & Electric Company, a corporation organized under the laws of the State of Connecticut, having its principal business office in the city of Rutland, Vermont, for an order authorizing it to sell and dispose of certain of its electric facilities to New York Power and Light Corporation, a corporation organized under the laws of the State of New York and having its principal business office in the city of Albany, New York;

The Commission orders that:

A public hearing on said application be held on June 23, 1933, at 10:00 A. M. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-1632; Filed, June 9, 1933;
9:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 4th day of June, A. D. 1933.

[File No. 32-51]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

ORDER AMENDING ORDER GRANTING EXEMPTION

Washington Gas Light Company, a subsidiary company of Washington and Suburban Companies, a registered holding company, having filed a supplemental application requesting this Commission to amend Subdivision (4) of its order issued June 22, 1937 (upon the amended application of said company (File No. 32-51) for exemption from the provisions of section 6 (a) of the above described Act (among other things), of the issue and sale of \$4.50 Cumulative Convertible Preferred Stock), which reads:

"the issue and exchange by it from time to time of such number of shares, not exceeding 60,000 of common stock without par value, as may be required when and as holders of such preferred stock may elect to exercise conversion rights applicable thereto;"

A hearing on such supplemental application having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having made and filed its findings herein;

It is ordered, That Subdivision (4) of this Commission's Order dated June 22, 1937, issued upon the amended application of Washington Gas Light Company (File No. 32-51) be amended by striking out the following:

"the issue and exchange by it from time to time of such number of shares, not exceeding 60,000 of common stock without par value, as may be required when and as holders of such preferred stock may elect to exercise conversion rights applicable thereto;"

and inserting in lieu thereof, the following:

"the issue and exchange of such number of shares of common stock of said company as may, in accordance with the conversion rate at the time applicable to the \$4.50 Cumulative Convertible Preferred Stock be required for the purpose of delivering to the holders of said 20,000 shares of preferred stock the number of shares of common stock to which such holders would be entitled, in accordance with the provisions of the resolution creating such stock when and as they may elect to exercise their conversion rights applicable thereto (the number of shares of common stock initially to be reserved to be 60,000)."

It is further ordered, That if Order No. 1611 of the Public Utilities Commission of the District of Columbia, authorizing the issue and sale of the securities

2 F. R. 778 (DT).

set out in said amended application (File No. 32-51) shall be revoked or shall otherwise terminate, this Order shall immediately terminate without further action by this Commission.

The authority granted herein, extends to the issuance of transferable scrip upon the conversion of \$4.50 Cumulative Convertible Preferred Stock as is authorized by Order No. 1611 of the Public Utilities Commission of the District of Columbia and contained in the stockholders' resolution of June 16, 1937 adopted pursuant to Public Act No. 577 of the 74th Congress.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.
[F. R. Doc. 38-1633; Filed, June 9, 1933;
12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1933.

[File No. 32-93]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

ORDER EXEMPTING SECURITIES AUTHORIZED BY STATE COMMISSION

Washington Gas Light Company, a subsidiary company of Washington and Suburban Companies, a registered holding company, having filed an application, and amendments thereto (File No. 32-93), for exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of—

(1) the issue and sale by it of 15,600 shares of \$4.50 Cumulative Convertible Preferred Stock, without par value;

(2) The issue and delivery by it to certain holders of common stock, of warrants to subscribe to 2,497 shares of said 15,600 shares of \$4.50 preferred stock plus such additional number of shares of said preferred stock, not exceeding 2,400, as may be represented by additional warrants required by reason of the conversion of presently outstanding preferred stock into shares of common stock, prior to the record date (as specified in the underwriting agreement) of holders of shares of common stock entitled to such warrants;

(3) the issue and exchange of such number of shares of common stock, as may in accordance with the conversion rate at the time applicable to the \$4.50 Cumulative Convertible Preferred stock, from time to time be required to satisfy the conversion rights applicable to 15,600 shares of such stock (46,800 shares initially based on the original conversion rate); and

a hearing having been held upon said application, as amended, after appropri-

ate notice,¹ the record in this matter having been duly considered and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the aforesaid securities in accordance with the terms and conditions set forth in and for the purposes represented by, said application, be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; provided, however, that if the authorization of the issue and sale of said securities by the Public Utilities Commission of the District of Columbia shall be revoked or otherwise terminate, this exemption shall immediately terminate without further order of this Commission. The authority herein granted also extends to the issuance of transferable scrip certificates, upon the conversion of \$4.50 Cumulative Convertible Preferred Stock, as are authorized, by Order No. 1692 of the Public Utilities Commission of the District of Columbia, and the stockholders' resolution adopted June 16, 1937, pursuant to Public Act No. 577 of the 74th Congress; and

It is further ordered, That nothing contained herein shall be deemed to constitute an approval of the accounting entries which applicant has proposed in connection with this transaction, and the Commission reserves jurisdiction to issue such further orders, after opportunity for hearing, as it may deem appropriate, pursuant to any provision of the Act, regarding the manner in which applicant shall keep its accounts as well as the accounting procedures to be followed as to said issuance of securities and as to the accounting treatment of the amount by which the net proceeds received from the sale of such preferred stock may be less than the minimum liquidating value thereof, or to take any other appropriate action pursuant to the Act with reference to said accounting matters.

¹ 3 F. R. 1196 (DI).

It is further ordered, That, within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purpose represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1637; Filed, June 9, 1938;
12:48 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1938.

[File No. 32-92]

IN THE MATTER OF PAGE POWER COMPANY
NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 23, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers

granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 18, 1938.

The matter concerned herewith is in regard to an application filed by Page Power Company, a subsidiary company of Republic Service Corporation, a registered holding company, for exemption from the provisions of section 6 (a) of said Act of the issue and sale by it, to Republic Service Corporation, of 1,400 shares of its no par value common capital stock at a price of \$50 per share or a total sum of \$70,000.

The funds derived from the sale are to be used, to partially reimburse applicant's treasury for cash expenditures made between October 31, 1931, and March 31, 1938, for betterments and improvements to its property, and to permit applicant to liquefy earnings heretofore accrued to the end that its Board of Directors, may declare and pay a dividend upon its outstanding capital stock, if they deem such action advisable and to the best interests of the applicant.

The issue and sale of said stock has been expressly authorized by the State Corporation Commission of the Commonwealth of Virginia, the State commission, of the State in which applicant is organized and doing business.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1636; Filed, June 9, 1938;
12:47 p. m.]